

Terminating the Clinician-Patient Relationship: Avoiding Allegations of Abandonment



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There may be times that a clinician needs to terminate a patient relationship. For example, termination may be necessary if a patient demonstrates consistent noncompliance with treatment recommendations, if a patient fails to reach a mutually agreeable payment plan for outstanding medical bills, or if the patient makes threats against the practice or an employee of the practice. Although the patient may terminate the relationship at any time, the clinician must do so in a manner consistent with legal and ethical principles to avoid allegations of abandonment, allegations of negligent care, disciplinary action by a licensing board or breach of contract claims. Abandonment occurs when a clinician terminates an established relationship suddenly, without giving the patient enough time to find another qualified provider. Moreover, the clinician may not terminate the relationship in violation of anti-discrimination laws, or in violation of any applicable managed care contracts.

Each state has its own laws/practices surrounding the issue of termination. Before deciding to terminate a patient relationship, clinicians should understand relevant state laws, and carefully consider each situation and recognize the risk management issues prior to ending that relationship. For example, a clinician should not terminate a relationship while the patient is in crisis or experiencing acute symptoms; or with a patient seen under a managed care contract in violation of the contract provisions.

The following risk management strategies may reduce the liability risk for the clinician wishing to terminate a patient relationship:

- Discuss with the patient in person, the circumstances dictating the need to terminate the relationship.
 - Document the discussion in the patient's medical record.
- Write a formal discharge letter notifying the patient of the termination and provide a date certain (consistent with state law and/or at least 30 days from the date of the letter) that care will no longer be provided. See below termination letter sample for additional information.

- The discharge letter should also include:
 - The patient's diagnosis and recommendation that they continue treatment;
 - An offer to provide emergency care until the specified termination date;
 - The name(s) and contact information for referral sources of new providers, i.e., insurance panels, state medical or professional societies;
 - An offer to forward the patient's health information to their new provider;
 - A HIPAA (Health Insurance Portability and Accountability Act of 1996) compliant release of information authorization for the patient to sign, authorizing the current provider to send the patient's records to the new provider; and
 - A prescription for 30 days of medications (if prescribing) and consider getting consent from the patient to coordinate with their primary care provider to ensure a smooth transition to the new provider.
 - If the patient contacts the clinician for additional medication during the 30-day notice period, the clinician is obligated to treat the patient during this period
 - If a refill is given, write another letter to the patient explaining that there will not be additional refills provided, and that this last refill was given to avoid adverse outcomes for the patient. Reference the initial termination letter and attach a copy.
- The discharge letter should be sent certified mail, return receipt requested. A copy of the return receipt should be placed in the patient's medical record.
- Alert office staff of the patient's termination and advise office staff not to schedule any appointments after the termination date specified in the letter, because doing so may re-establish the clinician-patient relationship.
- Document all termination communications, and any subsequent communications, in the patient's medical record.

Additional Considerations:

If a patient chooses to terminate the relationship, document the patient's decision in the medical record, and send a letter confirming the termination and offering to send the patient's medical records to their new provider.

If a patient stops treatment without notifying the clinician, and does not respond to follow-up efforts, send the patient a letter notifying them that treatment will terminate formally if they do not notify the clinician within 30 days of their desire to continue treatment.

Conclusion:

Terminating the client-patient relationship may be necessary at times and should be done consistent with legal and ethical principles. Consult a local attorney or risk management professional with questions, or when there may be complicated circumstances.

Sample Termination Letter:

[Place on Provider Letterhead]

Dear [Patient]

[Name of provider] finds it necessary to inform you that we are withdrawing from further management of your medical care due to [reason should be brief and objectively stated here].

I recommend that you promptly place yourself under the care of another clinician without delay. Effective [number of days] from the date you receive this letter, I along with other clinicians in the group practice, will no longer be able to provide you with medical care. [Name of medical group] will be available for any emergency treatment for [enter waiting period, for example 30 days]. You may wish to contact [enter the name of the health plan representative, county medical society, clinician referral service] for a list of clinicians to help you find another clinician.

Upon receipt written request, a copy of your medical records will be sent to the clinician(s) of your choice.

Sincerely,

[Name/Credentials of clinician],

Send certified mail, return receipt requested.

Lexington Insurance policyholders may direct additional questions to Lexington Healthcare Risk Management at riskmanagement@aig.com.

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